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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
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9 DARIO RODRIGUEZ,

10 *Petitioner,*

11 vs.

12 E.K McDANIEL, *et al.*,

13 *Respondents.*  
14

2:16-cv-00629-JCM-VCF

ORDER

15 This is a habeas corpus proceeding under 28 U.S.C. § 2254 in which this court entered a final  
16 judgment against the petitioner on May 3, 2016 (ECF No. 4). Notwithstanding that fact and that the  
17 court of appeals has denied petitioner's appeal (ECF No. 14), petitioner continues to file documents in  
18 this case, including a motion to proceed *in forma pauperis* accompanied by pleading styled as a petition  
19 for writ of habeas corpus (ECF No. 17).

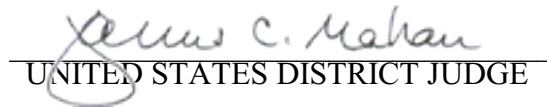
20 Because final judgment has been entered and this case has not been reopened by way of a post-  
21 judgment motion or a remand from the court of appeals, the court shall order these documents stricken  
22 from the docket. *See Lindauer v. Rogers*, 91 F.3d 1355, 1357 (9<sup>th</sup> Cir. 1996) (“[C]onsistent with our  
23 policy of promoting the finality of judgments [we] adopt the requirement that, once judgment has been  
24 entered in a case, a motion to amend the complaint can only be entertained if the judgment is first  
25 reopened under a motion brought under Rule 59 or 60.”).

26 If the motion to proceed *in forma pauperis* was in compliance with 28 U.S.C. § 1915(a)(2) and  
27 Local Rule LSR 1-2, this court would merely direct the clerk to file it under a new case number.  
28 However, the motion lacks both an inmate account statement for the past six months and a properly

1 executed financial certificate, the absence of which renders the motion fatally defective.

2 IT IS THEREFORE ORDERED that the clerk shall STRIKE from the docket the documents  
3 filed under ECF Nos. 17/18/19.

4 DATED: July 3, 2017.

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UNITED STATES DISTRICT JUDGE